THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10950 of 2006

Dated:08.06.2006

Between:
The Trust Association Regd.No.12/1960 of the Convention of the Baptist Churches of Northern Circars (CBCNC), rep. by its Chairman, T.D.S.Kumar.

..... PETITIONER

AND

The Govt. of A.P.rep. by its Prl.Secretary, Revenue, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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ORDER:

The Trust Association of the Convention of the Baptist Churches of Northern Circars (CBCNC) (hereinafter called, the Trust) through one Sri T.D.S.Kumar has filed the present writ petition. He claims to be the Chairman of the Trust. It is the case of the petitioner that CBCNC which has about more than 125 years of existence and which was started long back by Canadian Baptist Missionaries owns properties of high worth. Hillcrust Bungalow along with its vacant site situated in T.S.No.75, Waltair Ward, Visakhapatnam, is one such property, in respect of which the Trust filed a declaration under the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'). The authorities under the Act determined the petitioner as surplus holder to an extent of 16,500 square metres in T.S.No.75 of Visakhapatnam. It is the further case of the petitioner that when the Government issued G.O.Ms.No.456, dated 29.07.2002, enabling regularization of surplus vacant land in favour of the landlords/declarants, the third respondent claiming himself to be the owner submitted an application on 31.03.2006. The petitioner's grievance is that when the property belongs to the Trust of CBCNC, the third respondent cannot claim himself to be the owner of the property. The petitioner also refers to the litigation pending in the Civil Courts at Visakhapatnam, presumably, in support of his contention that he alone is entitled to represent the Trust. The petitioner prays for a declaration that the action of the Government of Andhra Pradesh in taking steps to regularize the land in T.S.No.75 in favour of the third respondent is illegal and arbitrary. He also seeks a consequential direction to respondent Nos.1 and 2 to regularize the property in the name of the Trust of CBCNC.

Learned Counsel for the petitioner while reiterating the grounds taken in the writ affidavit and also taking this Court through various

documents submits that the third respondent cannot himself claim the property in T.S.No.75 and that if any regularization is given in his favour, it would amount to fraud. At the stage of admission itself Sri N.Subba Reddy, learned Counsel, appears for the third respondent. He submits that the writ petition is filed by making false submissions and as the writ petition is based on misrepresentation suppressing various facts, the same is liable to be dismissed. Learned Counsel would contend that the third respondent made an application on behalf of the Trust Association of CBCNC and though Sri T.D.S.Kumar is aware of this, he intentionally filed the present writ petition to sort out the differences with the third respondent. He also placed a copy of the application made by the third respondent on behalf of the Trust Association of CBCNC.

Sri N.Subba Reddy, the learned Counsel, has produced before this Court a Xerox copy of the application made by the third respondent to the Government for regularization as per G.O.Ms.No.456, dated 29.07.2002. Indeed, the petitioner has also annexed a typed copy of the said application at pages 65 to 68. In Column 3, it requires the applicant to furnish information "if application is made on behalf of someone else". In Column 3, the third respondent clearly indicated that he is filing the application as Chairman of the Trust Association of CBCNC. Indeed, Sri Subba Reddy does not dispute that the application was made seeking regularization in favour of the Trust Association of CBCNC, and not in favour of the third respondent.

This Court is convinced that the petitioner has filed the present writ petition by making false representation and suppressing the facts. He also made statements in the affidavit, which amounts to perjury. However, Sri T.D.S.Kumar as well as the third respondent claim to espouse the cause of the Trust Association, this Court leaves the matter there. As the Writ Petition is based on factual foundation, which is not sound, this Court is not inclined to admit the writ petition.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

08.06.2006
vs